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THE ROLE OF YOUTH IN THE PROMOTION AND PROTECTION OF HUMAN RIGHTS, INCLUDING THE QUESTION OF CONSCIENTIOUS OBJECTION TO MILITARY SERVICE

Report of the Secretary-General prepared pursuant to Commission resolution 1991/65

Addendum

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Introduction

This addendum contains comments and other information received by the Secretary-General from the Governments of Chad and Sweden to his request, in accordance with Commission on Human Rights resolution 1991/65 of 6 March 1991, on the question of conscientious objection to military service.

Comments provided by Governments

Chad

[20 November 1992]
[Original: French]

1. Recruitment to the Chadian army is carried out in an entirely open fashion. Ordinance No. 2/PC-CM of 27 May 1961 on the organization and recruitment of the armies of the Republic states, in article 4, that "Every Chadian citizen is personally liable for military service, unless duly certified unfit". Decree No. 009/PC-CM of 6 January 1962 specifies the manner of recruitment, but the requirement that all Chadian citizens perform military service is not in effect, the terms of ordinance No. 2/PC-CM not having been fully applied for some time. As a result, military service is performed in Chad only by the students of the National College of Administration and of the National College of Physical Education and Sports, upon completion of their course of training.

2. In Chad the trend towards compulsory military service cannot give rise to any movement of conscientious objection to military service. Moreover, refusal by citizens to perform military service will only serve to lighten the cost burden on the State and on the Chadian national army. This is due to the fact that the performance of military service requires the investment of considerable financial resources. The national army, which is in process of reorganization and restructuring, is unable to bear all the relevant costs. There can therefore be no question of the Government opposing the possible existence of any movement of conscientious objection to military service on pacifist grounds during the present process of democratization of Chad.

Sweden

[15 December 1992]
[Original: English]

1. The Swedish Government would like to forward the following information regarding the Swedish legislation regarding conscientious objection to military service.

2. The Swedish military defence is based on general conscription for men. The Act on Compulsory Military Service (1941:967) has the character of a general compulsory law which clearly prescribes that Swedish men from 18 to 47 years of age are liable for military service and may be called up for training and other service. There are few exceptions to the general rule that all Swedish men are liable for military service.

3. As of 1 July 1992, pursuant to amendments to the 1941 Act, not all conscripts who would be fit for combat will carry out military training. The number of men carrying out such training at a given time will be determined by the needs of the total defence organization. Those men who are not called up for military training are placed in a training reserve, which shall only be brought into service in the event of a state of military preparedness or of war. In 1992/93, approximately 7,000-8,000 conscripts will be placed in such a training reserve.

4. Exemption from military service may be granted for physical and/or mental reasons. In addition, by virtue of the Act on Non-combatant Service (1966:413) there are possibilities for persons liable for military service to perform non-combatant service instead of military service.

5. According to section 1 of the Act on Non-combatant Service, this service may be performed instead of military service if it can be assumed that a conscript has serious personal convictions concerning the use of weapons which would be irreconcilable with the fulfilment of military service.

6. Section 2 of the same Act provides that a non-combatant conscript shall perform "service in activities which are important for society in times of military preparedness and war. This service shall take place in a Government or local government authority or in a company, association or institution".

7. According to the Act on Non-combatant Service, the non-combatant conscript is liable to do basic training and refresher training. The total training period shall be no less than 355 and no more than 380 days. The basic training comprises a minimum of 220, and a maximum of 320 days. The remaining days are spent performing refresher training.

8. A new system for the granting of permission to perform non-combatant service was introduced on 1 July 1991, by means of amendments to the Act on Non-combatant Service. Applications for permission are examined by staff of the National Board of Non-military Service. No investigation is made with regard to applications made at the initial enrolment for conscription or during the following six months. In these cases, the application shall be approved.

9. Generally, no investigation will be made into an application submitted more than six months after the enrolment procedure. Such applications will normally be approved on the basis of the written application submitted to the National Board of Non-military Service.

10. Practically all applicants are granted permission to carry out non-combatant service. Currently, approximately 2,400 applications are registered per year. Over 99 per cent of these applications are approved. Appeals are lodged with the National Service Board of Appeal for the Total Defence, which also includes lay members.

11. A total of 358 cases of conscientious objection were reported to the Enrolment Board of the Armed Forces in 1991. Of these, 247 had submitted applications for non-combatant service, which had been refused. It is customary practice to impose a conditional sentence and fines on a person

refusing military service for the first time. In the case of repeated refusal, a prison sentence, as a rule for a term of four months, is generally imposed. However, the rules on conditional release mean that the person in question only needs to serve half the prison term. According to practice, the Government usually prescribes, by virtue of section 46, subsection 1, of the Act on Compulsory Military Service, that a conscript who has received such a sentence shall not be called up for military service until further notice.

12. By virtue of section 46, subsection 2, of the Act on Compulsory Military Service, the Government, or an authority designated by the Government, may decide that a person liable for military service shall not be ordered to carry out service for the aforementioned period. This provision is applicable when a person declares that he will not carry out his military service and it can be assumed, as a result of his membership in a religious sect, that he will not carry out his military service or non-combatant service. Citing this provision, the Government has prescribed, in section 69 of the Decree concerning conscripts' military service, etc. (1969:380), that the Enrolment Board of the Armed Forces shall not enforce military service on a conscript who is a member of the Jehovah's Witnesses sect. A precondition for such a decision is that it can be assumed the conscript will not carry out any form of compulsory service.

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